

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 814, as Filed by Senator Juan Hinojosa - Relating to the board of directors of the Aqua Special Utility District.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

This bill amends Section 7201.052, Special District Local Laws Code, relating to Aqua Special Utility District (District). This bill also: amends the election process for the board of directors by permitting one director on the board of directors to be elected by the voters of the City of La Joya; reduces the number of directors elected at-large from three to two to allow for the City of La Joya's elected director; and adds Subsection (m) to Section 7201.052, which specifies that if a director is an employee of another taxing entity within the District, the board may not employ an elected official of the other taxing entity that employs the director or a person related to that elected official in the third degree of consanguinity or affinity as determined under Chapter 573, Government Code.

Sincerely,

A handwritten signature in cursive script, reading "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Juan Hinojosa, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 814

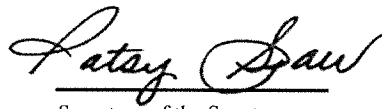
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/13/2017

Date transmitted to
Governor's Office


Secretary of the Senate

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

February 22, 2017

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

By: Hinojosa

S.B. No. 814

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of the Agua Special Utility District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7201.052, Special District Local Laws Code, is amended by amending Subsections (a), (b), (c), and (l) and adding Subsection (m) to read as follows:

(a) Except as provided by Subsection (l), the district shall be governed by a board of seven directors, elected as follows:

(1) one director elected by the voters of the part of the City of Mission inside the district to represent that part of the city;

(2) one director elected by the voters of the City of Palmview to represent that city;

(3) one director elected by the voters of the City of Penitas to represent that city;

(4) one director elected by the voters of the City of Sullivan City to represent that city; ~~and~~

(5) one director elected by the voters of the City of La Joya to represent that city; and

(6) two ~~three~~ directors elected at-large to numbered positions on the board by the district voters who do not reside in any of the municipalities listed in Subdivisions (1)-(5) ~~(1)-(4)~~ to represent the part of the district that is not included in those

1 municipalities, unless the number of at-large directors is
2 increased under Subsection (1).

3 (b) A candidate for one of the numbered director positions:

4 (1) must reside in the part of the service area of the
5 district that is not included in any of the municipalities listed in
6 Subsections (a)(1)-(5) [~~(a)(1)-(4)~~]; and

7 (2) must be eligible to hold office under Section
8 141.001, Election Code.

9 (c) A candidate for one of the director positions
10 representing a municipality listed in Subsection (a)(1), (2), (3),
11 ~~or~~ (4), or (5):

12 (1) must reside in the municipality the candidate
13 seeks to represent; and

14 (2) must be eligible to hold office under Section
15 141.001, Election Code.

16 (1) If, before the expiration of the term of a director
17 elected to represent a municipality under Subsection (a)(1), (2),
18 (3), ~~or~~ (4), or (5), the district determines that all of the
19 incorporated territory of the municipality is outside the
20 boundaries of the district, the position immediately becomes an
21 at-large numbered position to be filled at the next general
22 election of the district in accordance with Subsections (a)(6)
23 [~~(a)(5)~~] and (b).

24 (m) If a director is an employee of another taxing entity
25 within the district, the board may not employ as an employee, as a
26 consultant, or on a contract basis:

27 (1) an elected official of the other taxing entity

1 that employs the director; or
2 (2) a person related to that elected official in the
3 third degree of consanguinity or affinity as determined under
4 Chapter 573, Government Code.

5 SECTION 2. (a) The position of director of the Agua Special
6 Utility District elected at-large for a term that expires in 2018
7 becomes the position for the director elected from the City of La
8 Joya on the election date in 2018 when the district elects new
9 directors. The director of the Agua Special Utility District
10 elected at-large to a term that expires in 2018 shall serve until a
11 director elected from the City of La Joya has qualified following
12 the director's election held in 2018.

13 (b) This section expires September 1, 2020.

14 SECTION 3. (a) The legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
20 Government Code.

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the
26 lieutenant governor, and the speaker of the house of
27 representatives within the required time.

S.B. No. 814

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

5 SECTION 4. This Act takes effect September 1, 2017.

40018513 - Senate Purchasing - 30028067

THE MONITOR

PUBLISHER'S AFFIDAVIT

State of Texas
County of Hidalgo

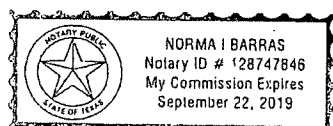
Glendora Cisneros being duly
Sworn on his/her oath states that he/she is
a Sales Representative of THE MONITOR
and that the attached notice appeared in the
following issues:

December 9, 2016

Subscribed and sworn to before me this the

9th day of December A.D. 2016

Norma I. Barras
Notary Public, Hidalgo County



NOTICE OF INTENT TO FILE A LOCAL BILL:

Pursuant to the Constitution and the laws of the State of Texas, notice is hereby given of Senator Juan Hinojosa's intention to introduce a bill in the 85th Legislature of the State of Texas at its regular session in Austin, Texas, the substance of the contemplated law being as follows:

An act relating to the powers and governing structure of AGUA Special Utility District (SUD).

All interested persons will, therefore take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and the laws of the State of Texas.